

*Next Meeting – April 16, 2007 – 1:30 PM  
Appoquinimink State Service Center – Middletown, DE*

**STATE COUNCIL FOR PERSONS WITH DISABILITIES  
FULL COUNCIL MEETING MINUTES**

March 19, 2007 – 1:30 PM

Smyrna Rest Area

Smyrna, Delaware

**MEMBERS PRESENT**

Daniese McMullin-Powell, Chair; Brian Bard, Consumer; Ray Brouillette, Easter Seals; Regina Byers, GCAAPD; Jan Capano, Parent/Advocate Volunteer; Norwood Coleman, Sr., Consumer; Susan Cycyk, CMH/DSCYF; Adam Fisher, DOE; John Goodier, BIC; Bonnie Hitch, DTC; Tony Hortsman, Parent; Lora Lewis, DPH/CSHCN; Christine Long, DDS/DHSS; Miranda Marquez, DOL/DVR; Dan Muterspaw, AAB; Carolanne O'Brien, DOL/DVR; Bob Osgood, Past Chair; Loretta Sarro, DODHH&CODHHE; Liz Schantz, Consumer; Wendy Strauss, GACEC; Kyle Hodges, Staff and Linda Bates, Support Staff

**MEMBERS ABSENT**

Rita Landgraf, Vice Chair; Cookie Austin, Parent; Doyle Dobbins, DeArf; Lisa Furber, State Rehabilitation Council; Brian Hartman, DLP/DDC; Janet Leitch, Consumer; Rita Marocco, NAMI-DE; Ann Phillips, Parent; Dennis Rubino, DHSS/DPH and Jamie Wolfe, Consumer

**GUESTS**

Mary Ann Connell/DHSS/DSAAPD  
Barbara Durham/DHSS/DSAAPD  
Allan Zaback/DHSS/DSAAPD

**INTERPRETER**

Shirley George

**CALL TO ORDER**

Daniese McMullin-Powell called the meeting was called to order at 1:35 pm.

**ADDITIONS TO THE AGENDA**

**APPROVAL OF MINUTES**

Motion was made, seconded and approved to accept the February 26, 2007 meeting minutes as submitted.

## **BUSINESS**

### **DSAAPD Pilot Program on Paying Relatives for Personal Attendant Services**

Mary Ann Connell thanked everyone for being patient for their report of progress for this program. They have been meeting internally with some vendors to discuss this initiative.

Barbara Durham reported that there was a meeting a couple of weeks ago to discuss the issues; and it was decided that they need a lot more information. The Division is currently looking at other states to determine what they are doing. Right now they are in an information gathering stage; and will get back together in a week or two and discuss all the gathered information. Barbara also stated that they are doing a survey in mid-April. Easter Seals sends out a survey to all their consumers for the attendant services program; so Easter Seals kindly agreed to include a survey page into their survey that they send out. So, DSAAPD is hoping to get some feed-back about using relatives for personal attendants. After the survey information is received, information will be compiled and discussed.

Mary Ann noted that as far as the timeline goes, they are looking to implement and make some decisions shortly after July 1 since it is anticipated that they will receive some additional tobacco funds to increase the number of people in the program. This would also be a good time to roll out some new initiatives.

Brian Bard asked if they had ever heard of the Personal Attendant Services Center. They have a compilation of all State programs and all kinds of statistics on their website--pascenter.org. Brian also said that they have some upcoming conferences, possibly in April somewhere on the east coast.

Allan Zaback said that they have been researching other states, but in particular the state of Connecticut which is implementing a program on paying family members. Allan said that the survey is to see the interest level of those participating in the program. If the program is rolled out, it would be after we get the additional tobacco funds for attendant services. That way if people are letting attendants go to replace them with a family member, it would be better to do it when new individuals are getting on board. Allan also added that since the program is state funded and not federally funded, it provides the Division with more options. The biggest concern is that when you are paying a family member, you have to be cautious of exploitation; and if you need to terminate that relationship, there is a lot more sensitivity involved. Allan said that DSAAPD's number one concern is for the welfare of the client. So, any program needs to have safeguards so that everyone is protected. Other states are being looked at to combine the best practices. At this time, DSAAPD feels this is the right way to proceed.

Brian Bard will give Allan the website and conference page. Allan stated that any information is appreciated. Allan noted that they have information from Connecticut and New Jersey as this is a national survey. DSAAPD noted that the current waiting list will be included. Barbara added that all but nine or ten states are participating in one form or another of this program. Allan noted that there has to be enough systems in place that when the case managers are monitoring situations, if a problem exists, that it can be fixed quickly. Barbara noted that the clients are more reluctant to report a family member care giver.

Adam asked who sets the rate. Barbara replied that there is a contracted amount—Easter Seals is the contractor. Ray noted that Easter Seals gives a proposal to the division. Brian Bard noted that \$9.75 is the going rate for attendants. Barbara added that there are additional administrative costs—e.g. workman's comp, etc. Allan added that the additional Tobacco Funds are to eliminate the waiting list and they won't know until July 1 if they receive the funds for this program. Barbara noted that there is a maximum of 30 hours for attendant services—the client and attendant decide their use. Kyle noted that through other programs, you can fill other hours.

Barbara noted that the length of the pilot has not been decided, but it could be a year. At this point, it is not known which family members could be paid. Allan noted that they are looking at what specific policies other states have in their guidelines. Brian noted that it is important to talk to the case managers who are going to be in this pilot project. Brian noted that it is in the regulations that you have a back-up attendant. Norwood asked what training is provided for family members as caregivers for the first time. Brian added that there is an attendant manual for the new attendant. Barbara added that they will also run the relative through the abuse registry along with the same checks and balances and training. Mary Ann added that the training is provided through the vendor which is part of the administrative costs. Allan added that they will follow up with Easter Seals and let the SCPD know when the survey has been released.

### **Navigator Program—Carolanne O'Brien/Miranda Marquez**

Carolanne O'Brien gave the following overview—

- The Workforce Investment Planning and Assistance (WIPA) grant was applied for and received, and it changed how business was being done.
- About one and half years ago, the Disability Navigator program was adopted and is complimentary to the Benefits Specialist who works with people with State Benefits only. This is now called the Community Work Incentive Specialists program. The name of the CLIMB program has not been changed. All the programs will be integrated together.
- Under the WIPA grant, the Community Work Incentive Specialists are only able to work with the people who receive SSI or SSDI. The goal is to get people off of SSI so these Specialists will be working with individuals to identify employment goals and steps towards performance.

- They partnered through Virginia Commonwealth University for the program “WorkWORLD” (see hand-out). WorkWORLD is decision support software for personal computers that is designed to be used by people with disabilities, advocates, benefit counselors and others. The software helps people find employment-based paths to higher net income through the best use of Federal and State work incentives and benefits.
- What does WorkWORLD do?
  - Enables individuals with a disability to know what will happen to their public benefits if they go to work.
  - Allows the individual to make informed decisions about going to work and to know which benefits they can keep.
  - Enables the individual to obtain information based on the rules for public benefits when the individual is not sure how much they can earn.
  - Makes the information about benefits accessible because WorkWORLD is “free” to all Delaware residents.
  - This program also updates information two or three times a year
- Carolanne said that there is a Mobile 1 stop that will be at Dewey Beach this Friday. There are thirteen computer labs set up where you can do career tracking, resumes, apply for a job, etc. Carolanne said that if you would like the Mobile 1 stop to come to your place of business, just let her know. In the second week of May, they will be stopping at the high schools to target tenth and eleventh graders to talk about job services available. The Department of Labor promotes jobs through the Mobile 1 stop. At this time, Carolanne does not know if the Mobile 1 stop is accessible; however, Carolanne will find out and let Kyle know.
- Miranda announced that an e-mail had been sent to all that tomorrow they are holding an ADA teleconference at the DOL stops. The three locations are the Fox Valley location in Wilmington; Dover, and Georgetown. This will be on held on March 20 from 12-1:30 with a late lunch. Please let Carolanne know if you will be attending. The target in Georgetown is the Hispanic community.

### **SSI-Related Discrimination**

Daniese gave the following overview on today’s hand-out—

- Supplemental security income (SSI) is a benefit for people who have a very low income and disability.
- At this time, the going SSI rate that transfers from institution living to community living is \$623 a month.
- Some states have an “Optional State Supplement” (OSS) - this income can be for those living in institutions or living in the community. Delaware is one of 17 states that does not pay any OSS to people living in their own homes in the community, but does pay it for those living in institutions.
- However, people who live in group homes do receive the supplement. The supplement is \$30 for an individual to spend on incidentals.

- Only three states pay an optional state supplement only if the person on SSI lives “independently” in the community. These states do not pay OSS to any kind of institutional setting—this encourages integration.
- Eight states pay no OSS at all regardless of where the person receiving SSI lives (in the community or in an institution).
- Delaware supplements \$140.
- Steve Gold is a disability right lawyer in Pennsylvania. This is just information in case SCPD wants to do something about it.
- It was decided for Kyle to invite someone to attend a meeting that knows exactly what is going on and how it works.

### **Community Choice Act**

Daniese gave the following overview on today’s hand-out—

- Federal SB 799 was introduced in the Senate. This bill will be introduced into the House by Dan Davis.
- The original bill was scored by the Federal Budget Act with a large fiscal note and the senators and representatives were reluctant to pass it because they could not see where the money was coming from.
- The University of California has rescored the more recent bill with a smaller fiscal notes
- The Community Choice Act includes Money Follows the Person (MFP) principles.
- Daniese reported that DE is still waiting to hear if they get the MFP money. DE should know by mid-April. This money would serve 100 people out of nursing facilities in Delaware into the community.
- The Community Choice Act amends the Social Security Act (Medicaid) and saves a lot of Medicaid money and gives people a living choice. You can get your services in your living choice.
- A motion was made, seconded and approved to support the Community Choice Act by writing letters to Congressman Castle and Senator Carper. Senator Biden is a supporter, so a thank you letter will be written to him.

### **DART Update**

Bonnie Hitch provided an overview/update on the Joint Sunset Committee’s review of DART.

Bonnie said that DART has been review by the Sunset Committee for the past year. A final meeting was held last week. DART has been working closely with the legislators on making improvements to paratransit services.

Approval was received last spring to hire 49 more drivers. The funding for this was provided on July 1. Qualified drivers are still being hired. There is a 7.5% vacancy for paratransit and fixed routes. This percentage could have gone up now since about 9

drivers were recently lost for attendance and resignations. The starting driver's rate is \$13 for both paratransit and fixed routes. A background check is required. DART offers health insurance plans since all drivers are State of Delaware employees. Flex hours are offered and some part-time positions. Bonnie said that interested persons can call the main office or go on-line to their website to apply. DART is hopeful that with hiring more drivers, they do not have to be as dependent on contracted services.

There is a new telephone system which is an integrated voice recognition system and will provide consumers 24/7 access to a lot of different portions of DART's system. This system would enable people to call at anytime of the day or night and cancel their trips without having to talk to a "live" person. You can also call and confirm your trip without talking to a person. For casual trips, this automated system will call the person two days ahead to remind them that the trip is booked, and inquire if they are still going or do they need to make a change. Bonnie said they will be testing the system in the beginning of May and Bonnie will contact the Council to see if there are any volunteer testers. The first part will be a scripted test and then the second part will be to allow customers to book a previously booked trip through the automated system. The testing may take up to two months. Hopefully, the target start-up date will be after July 1.

Chris said that she is happy to see all the added buses in Sussex County. Chris asked how the buses are operating with all the construction in the Lewes/Rehoboth area. Bonnie said that the essential rides (individuals with dialysis and dementia needs) do not take long since DART is trying to make direct trips.

Lora asked about transportation plans for Kent County. Bonnie said that there are not any needs for expansion plans in Kent County given the fixed route in the Dover area and low demand. Bonnie noted that the ride share people have done transportation fairs with employers; but in Kent and Sussex Counties it is hard to attract the "choice" rider (one who prefers to use their car).

Bonnie also noted that one issue is when the paratransit rider is taken home and there is no one at their private home to let them in. At times, the caregiver is there but does not answer the door. The driver is not allowed to open the door and let the customer into their house. Most of the customers in this situation do not have their own key. These are challenging situations in particular for the aging and the mentally challenged; and these situations seem to be increasing. DTC may develop a policy and will let SCPD know. Bonnie added that the most recent policy from the Department of Justice was to make reasonable accommodations as long as it does not change how you do your business.

Bonnie is conducting a survey for the National Transit Committee for standards that all the transit authorities go by for fixed routes. The first one in April is bus stop announcements—are the ADA standards for people with disabilities using paratransit still relevant today? Are there other things that could be done to make it easier for people with disabilities to use fixed routes? Daniese added that, on fixed routes, the bus driver is supposed to announce each stop; however, she has never heard that on any fixed route rides that she has been on.

Kyle asked what does “Improvements seen in Missed Calls: December 2006 through February 2007”— Customer Relations improved by 13% mean”. Bonnie said that Secretary Wicks had them focusing on access that customers had to various call centers—i.e. Reservations and Information Centers. Staffing and telephone issues had been an issue. Call reports have to be run every day—how long were people on hold; how many calls were missed; how long is the average phone call and how long in between an agent taking phone calls. The breakdown of calls is: Customer Relations-- 100 calls a day for 3 workers; Reservations--1200 calls a day for 12 workers; and Information Center—1300 to 1400 calls a day for 8 workers. As of now, they are down to single digit percentages for improvements.

Lora asked if call service was available for Spanish speaking persons. Bonnie replied that there is a translation service that is available. If an individual calls, the agents have an 800 number that they can dial and an interpreter will be available. In the future, a Spanish message will be made available as an initial call feature.

Bonnie said they have some rebate funds that they are looking into using to jump start the accessible taxi program. Since taxi service is limited in Delaware and accessible taxi service is non-existent in Delaware, it would be great to be able to use this money for an accessible taxi program. DART is monitoring the construction in the Lewes/Rehoboth area.

### **Work Incentives**

Brian Bard gave the following overview on the Ticket to Work—

- In 1999 the Ticket to Work was created by Congress. In that Act, a Panel was established to address access to work incentives. This Panel sunsets at the end of this year so they decided to have a Summit with representatives from each state and territory to discuss the work incentives over the last seven years. In February, the government paid for one person from each state to attend the Summit in Atlanta. Brian was the Delaware delegate.
- Brian said there were breakout groups to discuss the incentives. Fifty-seven items were narrowed down to eleven incentives:
  1. Scaled benefits from disabilities (so that people with severe disabilities get to keep more benefits)
  2. Family members were to be paid as caregivers (the thinking was that family members should be paid from Medicaid and Medicare funds)
  3. Dependent coverage for Medicaid Buy-In (state level).
  4. Government matching dollars for the PASS (Plan to Achieve Self Support) program (you can put money away to buy you items to go to work, e.g. a van).
  5. Change the extended period of eligibility. For example, if seven years down the rode you get a pressure sore and have to stop working, you do not have to reapply for social security disability benefits.

6. Availability of health care benefits without cash benefits for people with disabilities.
  7. ADA rights training prior to the job search (this is through hospitals and rehab centers).
  8. Expand independent living services to adults with new disabilities.
  9. Education for employers for regarding reasonable accommodations etiquette.
  10. People with disabilities to go back to work and keep all benefits.
  11. Veterans can keep all benefits.
- Brian is going to head a committee to refine, prioritize and investigate these recommendations. Brian said that some of the committee members think that you should keep all of the above incentives. Brian feels that is unreasonable as they are not all going to be accepted. These final incentives will be recommended to the Federal Administration—Social Security. Send any suggestions to Brian at [bbard@comcast.net](mailto:bbard@comcast.net) as his committee has weekly tele-conferencing meetings.

### **Capital Projects**

Since Doyle was unable to be here, this item will be tabled until another meeting.

### **Committee Reports**

Brain Injury Committee (BIC)—Kyle noted that there is an April 17 conference co-sponsored by DOE, GACEC, SCPD and AI DuPont which is targeting some brain injury issues within the educational context (brochure provided). Please let Linda know if you would like to attend. A sub-committee met and reviewed a self-assessment of how our committee and the state are doing in the brain injury area. John reported that the brain injury resource information directory is completed as well as the brochures. Also, March is Brain Injury Awareness month. John said that he did a five minute Comcast interview in New Castle County. WBOC TV/Dover did an interview at John's house with John, his wife and daughter. In the Delaware State News today, Senator Carper visited them in their resource center. On March 9 at a luncheon, the Governor made a proclamation of March being Brain Injury Awareness Month where Brian Hartman was this year's award recipient.

Housing Committee – New Castle County has introduced an ordinance regarding accessory dwelling units. These units can be an attached addition to your house or a stand alone unit if the property is more than 2 acres. It is another housing option for people with disabilities. The Housing Committee and Council have written endorsements for this because it deters institutionalization or enables better transitioning of persons from institutions to the community. The ordinance is in a little bit of trouble. Civic organizations are against it thinking that it would be low income housing. The Paralyzed Veteran's Association and the AARP are in favor. The hearing is on March 27 at the City/County Bldg, French St, Wilmington. Daniese and Kyle will try to attend. Kyle will send out an e-mail to the time of this hearing. Any support would be appreciated.



The Delaware State Housing Authority is working on the needs assessment information. This is one of the first years that they are trying to get quantitative information on people with disabilities.

Kyle distributed brochures on the Delaware Fair Housing Conference on April 10 at Dover Downs. Kyle and Daniese are on a round table at this conference.

Policy and Law (P&L) – SCPD has commented on two pre-publication drafts of the personal assistance service agency regulations. They are now going through the register process. SCPD was successful in securing many amendments to the draft. One important one was getting the regulations to address delegation of health care tasks as a result of SB 261 which passed a few years ago. In addition, the regulations require agencies to have back-up attendant services. This is something that the Council has always supported.

Other important bills that were addressed are: repeal of mandatory minimum sentences for drug offenses and also repeal of mandatory minimum sentences for repeat drug offenses. Kyle will send Brian's analysis that we reviewed last week so you or your agencies could make any comments.

### **Other Business**

- The Stem Cell Senate Bill 5 hearing will be heard on Wed at 1 pm in the Senate Chamber. HB 76 is another bill that intends to prohibit cloning. Proponents of SB 5 are not in support of HB 76. Comments from the "Stem Cell Go" are attached. SB 5 was formally reviewed and SCPD are supporting it.

### **ANNOUNCEMENTS**

- A hand-out was passed out on the Hearings on Proposed Revisions to Delaware's Special Education Regulations in March and April. Wendy announced that she has asked members of her GACEC to attend a hearing. The plan is, after the hearings, the regulations will be voted on at the Department of Education's May State Board meeting unless there are a lot of changes.
- On March 30, there will be an open house on a Universal Design house in Seaford. Directions and information were sent to all Council members.
- The Center for Disabilities Studies is having an open house today until 6 pm.
- Tony announced that there was discussion at the Policy and Law Committee meeting that there is a placement of a DDDS group home for person with sexually inappropriate behavior at the Governor Bacon facility in Delaware City. To understand what is going on, there will be a public hearing tonight in Delaware City. Kyle said that the Policy and Law Committee meeting wanted to write a letter to Secretary Meconi to ask him to provide information, or send a representative to a meeting to discuss this issue. Susan said that they are adults with what you would consider "sexually inappropriate behavior", not convicted

persons. It was agreed that Kyle, through an informal e-mail, would ask Marianne Smith to come and do a presentation on the DDDS proposal on this issue. Motion was made, seconded and approved for Kyle to send an e-mail to Marianne Smith.

- Susan announced that there is a free Suicide Prevention conference on April 24 at 9 am at the University of Delaware. National speakers will be coming in to deal with the three age groups that are the most likely to commit suicide—the youth, middle-aged men and the elderly. Susan will send an electronic version to Kyle to forward to Council members.

## **ADJOURNMENT**

The meeting was adjourned at 4:10 PM

Respectfully submitted,

Kyle Hodges  
SCPD Administrator

SCPD/minmar07